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1946 47
(Mal)

File No 128-46
Serial Nos 1-2

Previous References
KR 90-40 (1-2)
V p 9-33 (20, 36)
Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos
-1W 0

Part B for Lepers

SUBJECT
Acquisition of a portion of Doorn 275 and K no 1655/1 of Davengere town required for opening out a Conservancy lane in Tya pergalli

K 1663 & 25.9 ab

To Compile, M &
Notify the

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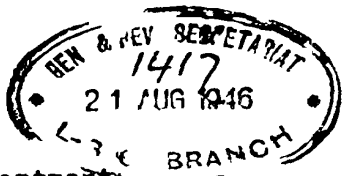
MI 128-46-1

No A4 I & C 1/45-46
Encl one file

Office of the Deputy Commissioner,
Chitaldrug District,
Chitaldrug, dated, 14th August 1946



To

J B Nallaradhya Esq, M A,
Secretary to Government, Revenue Department,
Bangalore

Sir,

Subject, Acquisition of a portion of Door No 275 and Survey No 1655/1 of Davangere town required for opening out a conservercy lane in Tyaperagalli

I have the honour to forward herewith the entire records ended with Davargere Sub Division Officer's memo No R. Prl 20/43-44 dated 4-8-1946 on the above subject and to state as follows,

The draft notifications under sections 4 and 5(a) of the Land Acquisition Act were published in the Mysore Gazette in your Notification No I C204/V P 7-45-10 dated 5-1-1946 Spare copies of the said notification were published in the locality on 12-3-1946 Since the owner of the property refused to take service, a copy of the same was affixed to the door of his residence on 12-3-1946

The son of the owner of the property has presented a petition through his counsel on 12-4-1946 to the Sub Division Officer representing that the petitioner and his neighbours have entered into an agreement whereby an easement right has been created for the very purpose covered by the intended acquisition, that there is no necessity or justification for the interded acquisition and that if the acquisition proceedings should take place the petitioner's property will be divided into two portions by which factor the property will lose its value and the petitioner will be put to heavy expense for enclosing the area

The above petition having been referred to the President, Town Municipal Council, Davangere for his remarks on the representations of the petitioner, the Municipal Council has resolved in its proceedings of the general meeting held on 17-7-1946 that the acquisition of the property is not necessary

The Sub Division Officer recommends in his memo No R2 Prl 20/43-44 dated 4-8-1946 that the acquisition proceedings may be dropped

In the circumstances, I request that Government may kindly be moved to withdraw from the acquisition of the said property as it is no longer required for the intended purpose The draft notifications are herein enclosed

In this connection it may not be out of place to bring to your kind notice that in a case of withdrawal from acquisition of of S No 2/1 of Kambasagara village, Narkunabalii taluk, it has been ordered in General Secretary's letter No L 3334/V P 9-33-36 dated 11-11-1933 addressed to the Deputy Commissioner, Bangalore District that no withdrawal from acquisition is necessary as no final declaration under section 6 of the Land Acquisition Act has been made in respect of the acquisition of the property In a similar case of withdrawal from acquisition ~~xxxxxx~~ in respect of certain lands in Bangalore District, it has been ordered in Chief Secretary's letter No R 1067/L R 90-40-2 datdd 2-8-1940 addressed to the Secretary to Government P W D that it is necessary that a notification of withdrawal from acquisition should be published in the gazette in all cases where preliminary notifications have once been published As the latter order is conflicting with the former a doubt has arisen as to whether it is necessary to send draft notifications of withdrawal in such cases where the acquisition is not yet sanctioned by Government Kind instructions are therefore solicited in the matter

I have the honour to be,
Sir,
Your most obedient Servant,

For Deputy Commissioner,
Chitaldrug District

C L F 1/

A 1) submitted
Preliminary Notifications were published in respect of the acquisite

of Door No 275-K No 1655/1 of Dawangere Town required for opening out a conservancy lane at the place

2) The local authority have now resolved that, as the property is not required, the question of acquiring the same may be dropped

3) In this connection, the D C obtaining particulars instructions as to whether it is necessary to issue a notification to the effect that ~~the proposal~~ the acquisition of the above property is dropped, as the same is not required for the purpose for which it was originally intended the D C quotes the letter addressed to the D C Davangere on 13-11-43 by the then Secretary ~~to Govt~~ stating that

it is not necessary to withdraw from acquisition of certain properties in the Kambalagere village, Kankanhalli Taluk, as no final declaration was made in this respect

4) He quotes another letter dt 2-8-40 addressed by the chief secretary to the secretary to govt. public works dept stating that it was necessary that a notification withdrawal from acquisition should be published. in all cases where preliminary notifications were issued This is a sequel to the decision arrived at in the secretariat — vide orders at paras 8 & 9 of the collection put up below (ZR 90-40-2-f Gen D)

X.D

5) In the above circumstances it is for orders of the D C may not

be informed that it is necessary to publish a notification in the gazette ~~now~~ even if preliminary notifications are published, as has been done hitherto in the Leg Secretariat.

6/ A draft notification is also putup according for orders. In a few cases notifications of withdrawal are being published in pursuance of notices issued 4/8/46 even in cases where only a preliminary notice may have been issued

Dft note for appl

Revenue 9/9/46

Minister for Rev & Comms 11/9

Sir, 12/9

The complete file 4663 of 25/9/46 returned herewith. 13/9

OFFICE OF T E MINISTER FOR REVENUE
No. 1967
Date 12 9 46

TTS VG SECTION
16 SEP 1946
I & REV SECTT

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4 copies

G R S. App. F G 3.

GENERAL AND REVENUE SECRETARIAT

(Continuation sheet draft form)

& 25 of 46

Notification

It is hereby notified for the information of the public that the acquisition of proceedings in respect of property bearing ~~K No~~ D No 275-K No 1655/1, in the ~~Dabangan~~ Dawangan Town ward as published in Notification No × L 6206/V P 7-45- & 5-1-46 for opening out a conservancy lane at the place, are to be dropped, as the property is not required for the purpose; ~~for which it was originally intended~~

× A

Secretary
Revenue

To the Compiler. Typing fair copy of draft as per Part III-1 of Register and 2 forwarding Dft to D.C. etc. etc. 9/47

WD 0282—GPB 22,500—14-3 38

Memo L 4364 & 25-9 46

copy of the above is forwarded
W/C to the D C Chittagong dtd
with reference to his letter
No A-4 R A C 1/45 & 14/8/46
with the situation
He is also informed that it
is necessary to publish
a notification of withdrawal
from acquisition in all
such cases wherein requisitioning notn
may have been published
Records accompany ✓

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Forwd 9/9 Aug
J Revsa